

ORDINANCE NO. BL2019-1597

An ordinance amending Chapter 2.136 of the Metropolitan Code of Laws regarding composition of the Metropolitan Planning Commission.

WHEREAS, Tennessee Code Annotated § 13-4-101 provides that the chief legislative body of any municipality may create and establish a municipal planning commission consisting of not less than five (5) members and not more than ten (10) members, with the precise number of members to be determined by the chief legislative body. Tenn. Code Ann. § 13-4-101 further provides that commission members shall include the mayor of the municipality or his/her designee and a member of the chief legislative body, with all other members appointed by such mayor; and

WHEREAS, pursuant to state law, Article 11, Chapter 5 of the Metropolitan Charter establishes a metropolitan planning commission consisting of ten (10) members, including the mayor and one (1) member of the metropolitan council, with the remaining eight (8) members appointed by the mayor and confirmed by a majority vote of the whole membership of the council; and

WHEREAS, Tenn. Code Ann. § 13-4-101 specifies that in making planning commission appointments, the mayor shall strive to ensure that its racial composition is at least proportionately reflective of the municipality's racial minority population. Beyond this provision, there are no requirements under state law addressing geographic diversity of commission members; and

WHEREAS, because the Metropolitan Planning Commission retains broad authority to make reports and recommendations relating to planning, zoning, development, and subdivision regulation throughout Nashville and Davidson County, the membership of the Planning Commission should reflect geographic diversity and avoid concentration within limited areas of Davidson County; and

WHEREAS, to ensure a geographically diverse and representative Planning Commission, it is fitting and proper that Metropolitan Government of Nashville and Davidson County preclude the appointment of more than two (2) Planning Commission members residing within the same Metropolitan Councilmanic district or U.S. postal zip code.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Chapter 2.136 of the Metropolitan Code of Laws is hereby amended by re-numbering Section 2.136.010 and Section 2.136.020 as Section 2.136.020 and Section 2.136.030 respectively.

Section 2. Chapter 2.136 of the Metropolitan Code of Laws is hereby further amended by adding the following new language as Section 2.136.010 thereof:

2.136.010 – Appointment of commission members

- A) Beginning January 1, 2020, of the eight (8) members appointed by the mayor pursuant to Section 11.502 of the Metropolitan Charter, no more than two (2) members shall be appointed who reside within the same Metropolitan Councilmanic District or five-digit U.S. postal zip code. Subsequent to an appointment, any member who shall change his or her place of residence so as to exceed the limitations of this section shall thereby vacate his or her office.

- B) The mayor shall appoint a member upon the subsequent expiration of the term of an existing member in accordance with this section. Any subsequent vacancy shall likewise be filled in accordance with this section and Section 11.502 of the Metropolitan Charter.
- C) The mayor shall appoint members of the planning commission according to the provisions above as determined by the expiration of their terms of office.
- D) In the event the limitations of this section are exceeded by virtue of the adoption of a redistricting plan for councilmanic districts pursuant to section 18.06 of the Metropolitan Charter, or in the event of a revision to U.S. postal zip codes, current affected Commission members shall remain eligible to fulfill their appointed term.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County, Tennessee, requiring it.

INTRODUCED BY:

Jeremy Elrod
Member of Council